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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
4 **FRESNO DIVISION**

5 Crystal Nichole Corwin,

6 Plaintiff,

7 v.

8 Kilolo Kijakazi, Acting
9 Commissioner of Social Security,

10 Defendant.

11 Case No. 1:20-cv-00394-GSA

12 **STIPULATION FOR THE AWARD**
13 **AND PAYMENT OF ATTORNEY**
14 **FEES AND EXPENSES PURSUANT**
15 **TO THE EQUAL ACCESS TO**
16 **JUSTICE ACT; ORDER**

17 IT IS HEREBY STIPULATED by and between the parties through their
18 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
19 attorney fees and expenses in the amount of SEVEN THOUSAND FOUR HUNDRED
20 AND SEVENTY-FIVE DOLLARS AND 00/100 (\$7,475.00) under the Equal Access
21 to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
22 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil
23 action, in accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will
25 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
26 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
27 to honor the assignment will depend on whether the fees are subject to any offset
28 allowed under the United States Department of the Treasury's Offset Program. After
the order for EAJA fees is entered, the government will determine whether they are
subject to any offset.

29 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
30 determines that Plaintiff does not owe a federal debt, then the government shall cause

1 the payment of fees, expenses and costs to be made directly to Counsel, pursuant to
2 the assignment executed by Plaintiff. Any payments made shall be delivered to
3 Plaintiff's counsel, Jonathan O. Peña.

4 This stipulation constitutes a compromise settlement of Plaintiff's request for
5 EAJA attorney fees, and does not constitute an admission of liability on the part of
6 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
7 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or
8 Counsel including Counsel's firm may have relating to EAJA attorney fees in
9 connection with this action.

10 This award is without prejudice to the rights of Counsel and/or Counsel's firm
11 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the
12 savings clause provisions of the EAJA.

13 Respectfully submitted,

14
15 Dated: March 8, 2022

/s/ Jonathan O. Peña
16 JONATHAN O. PEÑA
17 Attorney for Plaintiff

18 Dated: March 8, 2022

19 PHILLIP A. TALBERT
20 United States Attorney
21 PETER K. THOMPSON
22 Acting Regional Chief Counsel, Region IX
Social Security Administration

23 By: * Marcelo N. Illarmo
24 Marcelo N. Illarmo
25 Special Assistant U.S. Attorney
26 Attorneys for Defendant
27 (*Permission to use electronic signature
28 obtained via email on March 8, 2022).
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ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

IT IS ORDERED that fees and expenses in the amount of SEVEN THOUSAND
FOUR HUNDRED AND SEVENTY-FIVE DOLLARS AND 00/100 (\$7,475.00) as
authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be
awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: March 8, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE